(3)

CF 100L

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(C.G.)

W.P. No. 909/2003

PETITIONER

Kedia Castle Dellon
Industries Ltd.
Kedia Nagar,
Kumhari-490042
District- Durg (C.G.)
With registered office at
6-B Express Towers, 42A,
Shakespeare Sarani,
Calcutta-700017

VERSUS

RESPONDENTS

1. State of Chhattisgarh
through the
Principal Secretary
Department of
Commercial Taxes (Excise)
State of Chhattisgarh
D.K.S. Bhavan, Mantralaya
Raipur (Chhattisgarh)

2. Excise Commissioner
State of Chhattisgarh
Raipur (Chhattisgarh)

3. Collector
Raipur (Chhattisgarh)

4. Collector
Durg (Chhattisgarh)

5. Collector
Rajnandgaon (Chhattisgarh)

6. Collector
Mahasamund (Chhattisgarh)

7. Collector
Dhamtari (Chhattisgarh)

8. Collector
Korba (Chhattisgarh)

9. Collector
Janjgir-Champa
(Chhattisgarh)

P.R. No. 764/03
Presented by Shri J.L. Tendulkar Pali
dated 10.03.03

10.3.03

(4) (2)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION ETC. AND FOR OTHER WRITS AND DIRECTIONS:

(69)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक L.P.A. No. 15/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	17/07/2003: -	

Shri Kanak Tiwari counsel for the appellant.

Dr. N.K. Shukla, Addl. Advocate General, for the State/respondent.

Heard both the counsel.

With the consent of both the counsel this L.P.A. and Writ Petition No.909 of 2003 are disposed of.

The appellant/petitioner filed the aforesaid writ petition for quashing of the Circular dated 23/05/2001 which was produced as AnnexurepP/5 to the writ petition and also sought for issue of a direction to the respondents to refund the amounts as detailed in Annexure-P/12.

The appellant/petitioner filed M.(W.)P. No.791 of 2003 for stay of the circular dated 23/05/2001. By the impugned order dated 07/04/2003 learned Single Judge has rejected the request on the ground that the Circular sought to be quashed was dated 23/05/2001 and about 22 months have elapsed and he declined to grant interim order and rejected the aforesaid M.(W.)P. No.791 of 2003. It is this

(10)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक L.P.A.No. 15/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

interim order dated 07/04/2003 passed by the learned Single Judge has been challenged by the appellant in this L.P.A.

Shri Kanak Tiwari counsel for the appellant/petitioner submitted that on behalf of the appellant/petitioner number of representations were submitted to the respondents. The latest representation was dated 24/01/2003. He has produced the same along with this appeal, as Annexure-A/8 and the respondents have not considered the representations submitted by the appellant/petitioner and have not passed by order.

Dr. N.K. Shukla, Additional Advocate General submitted that the respondents would consider the representation given by the appellant/petitioner within fifteen days from the date of receipt of a copy of this order and pass a specking order. He also submitted that the appellant/petitioner may be directed to give a fresh representation if he desires. The appellant/petitioner is at liberty to file fresh representation if he desires.

In the circumstances, the respondents are directed to consider the representation submitted by the appellant/petitioner and pass an appropriate speaking order within fifteen days from the date of

(71)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक L.P.A No. 15/2003 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश (3)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	receipt of a copy of this order. If the appellant/petitioner wants to file fresh representation he may do so within three days from today. If such a representation is submitted by the appellant/petitioner, the respondents are directed to consider the same and pass detailed speaking order within fifteen days from the date of receipt of that representation. With this observation, this L.P.A. and Writ Petition No.909 of 2003 stand disposed of. In view of this order, M.(C.)P. No.709 of 2003 and I.A. No.4060 of 2003 stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **Chief Justice** **Sd/-** **L.C.BHADOO** **Judge**	